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Churchill, Elmer R. 7011
The McCartys.

Date Due

JUL 1 6 1986

BRODART INC Cat. No. 23 233 Printed in U.S.A.

PRINTED IN U.S.A. 23-521-002

$1.00

THE McCARTYS

They Rode With

BUTCH CASSIDY

by

E. RICHARD CHURCHILL

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E. RICHARD CHURCHILL

TIMBERLINE BOOKS
912 Harrison Avenue
LEADVILLE, COLORADO 80461

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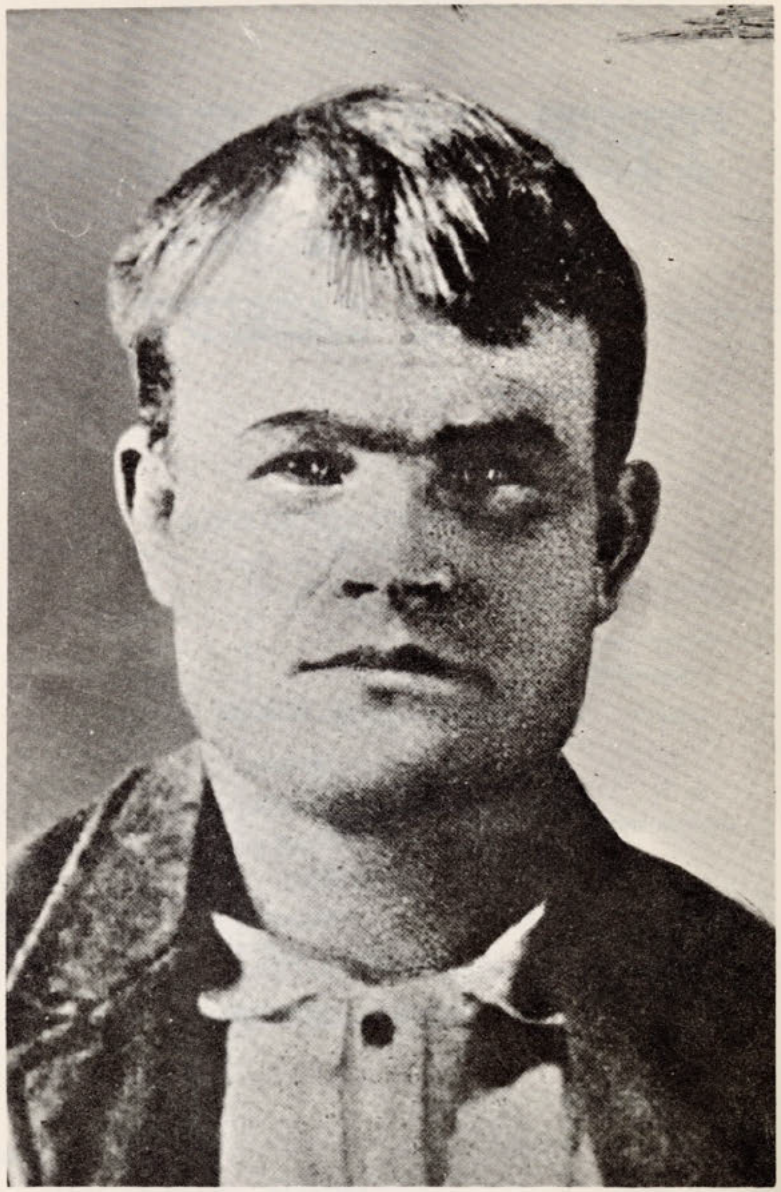
Printer: B & B PRINTERS and LITHOGRAPHERS, Gunnison, Colorado



Butch Cassidy

Utah State Historical Society

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THEY RODE WITH BUTCH CASSIDY

On the morning of June 24, 1889, three horsemen pulled to a halt before the San Miguel National Bank in the booming mining town of Telluride, Colorado. Moments later the trio thundered down Telluride streets $10,500 richer.

Historically the Telluride bank robbery was more important than the amount of loot might indicate. The three horsemen were Tom McCarty, Matt Warner, and a relative unknown named George LeRoy Parker. Parker was soon to be known the nation over as Butch Cassidy, noted leader of the feared and renowned "Wild Bunch."

The Telluride hold-up was Parker's first bank job and set the pattern for many of his future hold-ups. For McCarty it came just four years prior to the climax of his bloody and eventful career. To Matt Warner it was just another in a series of escapades in his colorful career as a bad man.

Though McCarty was an infamous outlaw before George Parker was ever heard of and Matt Warner was for years more widely known and feared than Parker, the world now better remembers George LeRoy Parker or Butch Cassidy.

The paths of McCarty and Warner crossed and recrossed that of Butch Cassidy for years. Theirs was a mutual aid society not one but many times. Today, however, those two noted outlaws are better remembered not for their own exploits which were considerable, but for the fact they rode with Butch Cassidy.

THE MAKING OF OUTLAWS

Tom McCarty was born in 1841. His father, Dr. William McCarty, served the Confederate cause as a surgeon with Tennessee forces during the Civil War. Perhaps sickened by the vainly spilled blood, McCarty moved his family to Montana at the close of the conflict. There Tom, his brothers Bill and George, and their four sisters learned something of the rigors of Western ranch life as the McCartys changed from a Southern medical family to a Western ranch family.

1871 found the McCartys moving again, this time to Grass Valley, Utah, a spot about forty miles north of Bryce Canyon and about fifteen miles from Circleville, Utah. Circleville was the home of Mormon George LeRoy Parker whom the world would later know as Butch Cassidy.

Young Parker was born April 6, 1866, and according to historian James D. Horan was christened Robert LeRoy Parker though history gives preference to George. At any rate the Parkers and McCartys were relative neighbors though the boys were separated by a gulf of years.

A hundred or so miles to the north and east another Mormon family, the Christiansens, lived at Ephraim, Utah. In 1864, they had been blassed with the birth of a son they named Willard Erastus Christiansen.

It was a wild and unsettled time for the three families. At the age of five Willard saw the Ephraim Indian Massacre. A few years later he came within seconds of killing an Indian who was threatening the elder Christiansen at his store near Levan, Utah, where the family then lived. Only a shouted command from his father kept young Willard from triggering a fatal shot into the Indian.

In the fall of 1874 four Navajo Indians came into Grass Valley and killed a calf belonging to the McCartys. They then stole a neighbor's horse and departed with the McCartys in pursuit. Three Indians died for their deeds but the fourth, though seriously wounded, made his way back to his tribe. A settler-Indian conflict seemed probable but the intervention of a missionary to the Indians stemmed the outbreak before it was well begun.

The McCartys moved to Nevada soon after, perhaps lured by tales of mineral wealth. By 1876 they had returned to Utah, this time near Mount Pleasant a bit north of Ephraim. It was here that Tom met and married Teenie Christiansen, Willard's sister.

The Maxwell family joined the McCartys in 1877 in a move to new territory in the LaSal Mountains south of Monticello, Utah. Letty Maxwell joined Bill McCarty in marriage and George married Nellie Blanchett. The three married brothers and the elder McCarty established a prosperous cattle ranch in 1878 which

George and his father soon left in favor of a new ranch at Haines, Oregon.

By 1884 Tom and Bill sold their ranch to the Pittsburg Cattle Company for $35,000. Tom managed to gamble away his share of the ranch in a remarkably short time and Bill moved to Missouri where he is said to have ridden with either Jesse James or Cole Younger. In view of the fact Jesse died in 1882 it seems highly improbable that Bill rode with him.

At any rate Bill eventually married a young girl he neglected to tell of his previous marriage. He later shot a partner in a quarrel over robbery loot and ended up in prison at Stillwater, Minnesota. Following his release from prison Bill returned to his first wife and the Utah mountains.

Tom had meanwhile long since gone through his money from sale of the ranch and had begun to pick up some loose change stealing Ute ponies. The business was not without hazards but the return on investment was quite high.

But what of young Parker and Christiansen?

Willard Christiansen had become a bronc rider at the age of eleven and within a few years had hired out to Charley Wagner as a ranch hand. He started a trail drive into Wyoming with Wagner but turned back to see a girl at Levan. The girl, Alice Sabey, was about Willard's age which was fourteen.

The teenage boy rode alone across Indian country to visit the girl of his dreams only to find the town bully, Andrew Hendrickson, had become his rival. Following a Saturday night meeting of the Young Folks Mutual Improvement Association Willard came to blows with the older boy.

Young Christiansen settled the matter with a large rock and a fence board as he beat the older boy's head into a bloody pulp. Fearing he had killed his rival, Willard returned home for his outfit and gun and started a wild ride across two hundred miles of Indian territory.

He crossed the beautiful grassy Strawberry Valley where he talked a band of Indians into trading with him rather than killing him and finally made his way into the Diamond Mountain country on the Wyoming line where he found work with a cattleman. When asked his name he replied, "Matt Warner."

George LeRoy Parker near Hanksville, Utah

Denver Public Library Western Collection

Thus outlaw Matt Warner was born out of flight from a murder charge which later proved to have existed only in the boy's mind as his opponent recovered from the beating.

Young Parker's introduction to outlawry was less dramatic but just as sure. In 1882 his father, Maximilian Parker, moved onto a ranch above Circleville where his sons became acquainted with Mike Cassidy, an outlaw and rustler whom the Parker boys adored.

Mike taught young Parker and his brother Dan the fine art of gun slinging and cattle rustling. Mike, like other rustlers of the day, would collect a rustled herd slowly, then move the stolen animals to market in a neighboring state.

It wasn't long until young Parker was aiding the older man in his illegal activities. When Mike Cassidy got into trouble and left in a hurry for Texas, George LeRoy Parker left Utah within a few days and next appeared in Colorado. By then he was calling himself George Cassidy, such was his admiration for the older gunfighter, rustler, and teacher of crime.

At this point the McCartys were full-fledged outlaws, Matt Warner thought himself one, and George Cassidy was merely awaiting the proper opportunity.

MATT WARNER HITS THE OUTLAW TRAIL

Matt Warner hadn't been long on his new job before he discovered the outfit was a bit free with the brand. It was customary during that period in our history for ranchers to brand any stray or maverick they could lay a rope and iron on. Some outfits went so far as to cut nursing calves away from their branded mothers in order to gain a critter for themselves. Matt fell in with the scheme and was soon being presented horses and cattle for himself. Thus he was building his own herd with the blessings of his employer. Such an activity automatically sealed Matt's lips concerning his boss's own herd.

Matt, as did most cowpokes, practiced with six-gun and rifle. The young Mormon had a knack for gunplay and was soon on

his way to becoming something of a skilled gunman while yet in his teens. His first real test of skill came in a showdown over a stolen mare. Question and search finally led him to a man named Polito whose reputation as a gun slinger was established.

The two fired as one with Matt's bullet hitting the thief in the left lung. Contrite, the young gunman rode twenty miles to Ashley for a doctor who saved the other man's life. Matt retrieved his stolen mare, Polito drifted on, and the road along the outlaw trail seemed the easiest course.

It was at this point that Matt met Andrew Hendrickson's brother, Moroni, and learned his rival had not died in the fight in Levan years earlier. It was safe to return to his family but it seemed young Warner was destined to be an outlaw. He had his own ranch begun with rustled cattle and seemed well on his way to becoming wealthy. He did, however, write his parents to let them know he was still among the living.

Hardly had he written when his nephew, Lew McCarty, arrived. Tom's boy was in his early teens but already seeking adventure. His desire for excitement was not long in being satisfied.

A rustler named Elza Lay, who later rode with Butch Cassidy, shortly approached Matt with a plan to rob a Rock Springs merchant who was hauling his goods into the Uintah Basin. The merchant was moving his stock to escape attachment by creditors so he would be in no position to report his loss. Better yet, Bill Sparks the driver was in on the scheme.

The robbery came off without a hitch and the budding outlaws were the new owners of four pack horses of clothing, blankets, cowboy goods, and other items. The quartet divided the loot and faced the problem of piles of clothing they couldn't use. One of them recalled the poverty stricken condition of a group of ranchers in Brown's Park on Green River. The decision was made. Shortly the Brown's Park ranchers made heroes of the doners of clothing and useful articles and everyone felt good about the matter except for the merchant.

Matt's ranch was coming along nicely with the aid of Moroni Hendrickson and Lew McCarty when Cherokee Bangs suggested Matt accompany him and his force on a rustling raid. Matt accepted the offer, sent Lew back to Levan, and left Moroni to

manage the growing ranch.

Cherokee and his riders moved droves of rustled cattle with the herd growing as it moved and was added to. Some legitimate cattle buying gave cover as the operation moved across an area. Cherokee paid each rider four dollars a head for cattle they added to the herd. In this case the final destination and pay-off was Wind River, Wyoming.

The outfit moved like a well-armed army across the vast open reaches of eastern Utah and western Wyoming, their confiscated herd growing daily. Matt and his fellow riders did their job well. By the time the herd was sold it had grown to twenty-one hundred head, mostly rustled. Bangs received thirty dollars a head and paid four which gave him a nice profit on the stolen critters.

Hardly had the pay-off been accomplished and Matt received his eight hundred dollars for the two hundred head he added when a cry was heard through the camp.

"Hit the high places! The deputies is here."

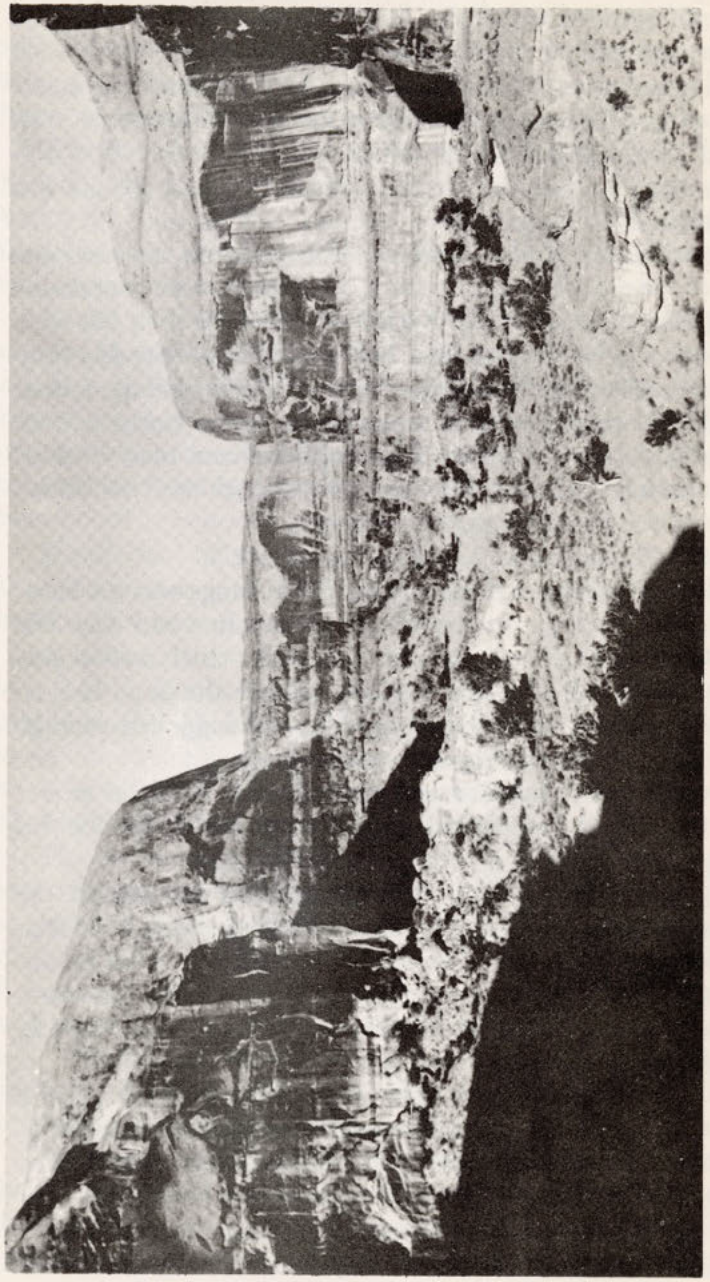
Matt and his fellow riders scattered but Bangs was too slow. He was handcuffed by the sheriff and seemed in a bad way. His wife came out of the tent with his hat as the chief rustler prepared to ride to jail. Cherokee reached beneath the large hat, removed the revolver his wife had hidden, and suggested perhaps the sheriff might like to drop his own weapon.

Moments later Cherokee and his wife rode into the timber leaving the sheriff handcuffed and looking foolish astride his own horse.

Despite his secrecy, Matt was suspected of his part in the Cherokee Bangs raid and felt it better to leave his ranch on Diamond Mountain for a time. He and Joe Brooks, one of his hands, did some scouting for a wagon train and met the elder Christiansen for a brief reunion before reaching St. Johns, a small town in eastern Arizona.

A combination store and bank at St. Johns seemed a likely spot for a hold-up so Matt and his companion planned accordingly. The two dressed in their best, left their pack horses and fresh mounts in position for a quick pick up, then rode into town.

The robbery went off without a hitch but the unexpected pursuit caught the pair off guard. A posse of irate citizens was



Utah State Historical Society

Robbers' Roost, Utah

within rifle range by the time the outlaws had thrown their saddles onto fresh horses. Driving their pack animals and spare mounts before them, Matt and Joe set off on what turned out to be a two hundred-fifty mile chase across rugged, dry, Indian country to Robbers' Roost in Utah.

The pair spent two months in the desolate canyons and mesas of Robbers' Roost. Their only form of amusement was playing poker for the $837 they got from St. Johns. When they decided it was safe to pull out they split the money with Joe taking his half back toward Diamond Mountain and Matt going in search of his brother-in-law, Tom McCarty.

By that action Matt was completely committed to the outlaw life.

THE McCARTY GANG MAKES A NAME

While Matt Warner had been working his ranch and learning about outlawry his brother-in-law had not been idle. Tom had gone into rustling in a modest way in Utah when he got caught with a stolen herd near Nephi, Utah. His father-in-law, the elder Christiansen, went bail for the errant McCarty. Tom promptly jumped the $2000 bond and fled into the Blue Mountains where he headed the Blue Mountain Gang for a time rustling in eastern Utah and across the border into western Colorado.

Bill saw the error of his ways and left Tom in favor of his father and other brother in Oregon. Left to his own devices, Tom eventually tired of the Blue Mountains and made his way south. He worked at a variety of occupations ranging from rustling to armed robbery to working for the railroad in the recovery of horses he had previously stolen.

During this time he managed to find time to rob a group of Eastern mine investors, shoot a would-be tough guy near Fort Wingate, New Mexico, hold up a stage, and hold down a job catching rustlers.

It was during this period that Tom took time from his busy schedule to make a trip to Iowa where he purchased three fast horses he named Iowa, Farmer, and Susy. These horses he trained

especially for use in his rustling and hold-up activities around Fort Wingate.

It was at this stage that Matt Warner dropped down into New Mexico ready for excitement following his two month stay at Robbers' Roost. He found Tom and a pal, Josh Sweat from Panguitch, Utah, in a saloon at Fort Wingate and a partnership was formed.

The trio made an easy and successful raid into Mexico returning with a stolen herd of two hundred head which they sold to the Chisholm (Chisum?) ranch for $3.50 a head. Matt mentioned meeting Billy the Kid at this time but was unimpressed by the Kid who Matt said looked like a dude. Though the price wasn't huge for the stolen cattle the return on investment was quite high.

Encouraged by their success the three rustlers returned to Mexico a few days later for a second herd. Once again the men gathered a herd, moved it into the U.S., and camped for the night. Josh had just returned from standing the last watch of the night when he discovered his mare was loose. Josh had just located her some seventy yards from camp when a roar of rifles broke the pre-dawn silence.

Josh was hit in the lung, left arm, and left leg but managed to stumble back into camp coughing blood. Tom and Matt grabbed rifles and advanced on their ambushers firing at rifle flashes in the dark. Josh gave supporting fire with a six-gun from where he had fallen on his bedroll.

The accuracy of the outlaws proved too much for their attackers, three of whom fled leaving four dead and dying behind them. It was then the outlaws discovered they had been fighting U.S. deputy marshals, something they would have avoided if at all possible.

Josh seemed to be dying, their herd and horses had stampeded during the fight, and the situation appeared desperate. Leaving Matt to care for the wounded man, Tom set out on foot toward a neighboring ranch from which he returned with three stolen horses. Josh was hoisted into the saddle and the trio rode for Chisholm's ranch for aid.

Hardly had a doctor cared for Josh when a rider warned

the men a Federal posse equipped for a long chase was headed that way. Despite Josh's desperate condition, he was bundled aboard a horse and a six hundred mile chase was begun. Before it was over the outlaws and posse had ridden the length of Arizona, crossed into Nevada, and covered half of Utah.

Upon leaving the Chisholm ranch the trio made for Lees Ferry which was the nearest crossing of the Colorado River. This turned into a three hundred mile horse race as the posse attempted to cut the escapees off.

The badly wounded Josh hung with the others gamely. At one point the posse closed on the trio close enough to shoot one of the extra horses. At another point the posse reached a spring and prepared an ambush for the outlaws. Matt slipped up on one posse member, rapped him on the head with a six-shooter, then removed his gun, badge, and hat before the trio fled waterless.

At Lees Ferry the ferry was on the wrong side of the river with the posse closing fast. Johnson, the ferryman, was in no hurry on the return crossing. Josh volunteered to hold off the officers but Matt saved the day.

"Hey, there," he yelled at the slow ferryman. "I bet you fifty dollars you can't make it the rest of the way in two minutes."

"I'll take that money," came the welcome reply as the big man put his back into the oars.

When Johnson wanted to wait for the coming posse a gun in his ribs changed his mind and the ferry once more began the long crossing. The fugitives spent six hours on the far side of the river resting and eating in sight of the fuming posse.

Ready to travel, the outlaws left the hat, badge, and gun Matt had taken from the deputy along with a derisive note signed "The High-Riding Three." Poor ferryman Johnson accompanied them some distance before being freed to take up his business again.

Josh's condition hadn't improved from the hard chase so he left Tom and Matt near Kanab, Utah, to locate a doctor. The pair went on to Frisco, a mining camp west of Milford, Utah. They left their horses in a livery stable and went in search of food. Hardly had they well begun their meal when a cowpuncher came to them with the unpleasant news the marshal, Bally Sac-

kett, had grabbed their outfits and was awaiting their return. The good marshal was hunting local cattle thieves and had found two likely suspects, he felt.

On foot the pair sneaked out of town and began the seventy mile desert trek to Ketchum's ranch in Snake Valley just across the Nevada line. Ketchum hired the pair but their adventures with Bally Sackett weren't yet at an end.

A few days later Bally and a deputy appeared at the ranch. They had just begun a meal when Matt and Tom appeared, guns in hand.

Amid the delighted howls of the ranch hands the two officers were handcuffed and started across the desert on their way while Tom and Matt rode the lawmen's captured horses. Five miles out the pair relented and removed the handcuffs to aid the lawmen on their parched journey.

Commenting that the captured outfits weren't nearly so good as those taken from them at Frisco, Matt soon headed back toward Diamond Mountain and Tom moved on south of Richfield, Utah.

Tom was recognized at Richfield and in making good his escape departed on the marshal's prize stallion. In its place he left a promissory note payable sixty days after his death.

With this little adventure under his belt Tom rode hard toward Cortez, Colorado, where he and Matt were later to team with Butch Cassidy with unexpected results.

HORSE RACES, BANK ROBBERIES, AND SUCH

Matt Warner returned to his Diamond Mountain ranch only to discover the sheriff at Rock Springs, Wyoming, was still upset over Matt's part in the Cherokee Bangs affair. Matt and his hands rounded up the horses and moved the herd into the wild country near Meeker, Colorado.

It was while Matt ranched at Meeker that he sold a hundred horses to a buyer who paid one hundred one hundred dollar bills. That night Matt stayed at a hostel run by Cap Davis who took a liking to the greenbacks Matt carried. The following day Matt

recognized two toughs riding toward him as the pair Davis had been in deep conversation with the previous evening. He smelled a plot.

Acting quickly Matt drew a revolver and held up the two bad guys. That unexpected turn of events saved Matt his belt of money and left the pair he faced hangdog to say the least.

It wasn't long until Matt was again on the move—this time to the LaSal Mountains in Utah. The law had a long arm as Matt was coming to know full well.

While in the LaSals Matt began training a race mare named

Tabor Block, Home of First National Bank of Denver, c. 1889

Denver Public Library Western Collection

Betty. When he was certain Betty was the fastest thing on four legs he took her to the mining camp of Telluride. There he challenged the local favorites and began covering bets right and left.

One of the bettors was a man about Matt's age from Circleville, Utah. His name was Roy Cassidy. Matt and Cassidy became fast friends. Cassidy had just recently left Utah over a matter of some rustled stock and had found the wild Colorado mining area to his liking.

The race was duly held and Betty won handily. When Cassidy came to pay his loss with his entire outfit, Matt offered to make the loser a partner in the racing venture and "loan" back his equipment. Cassidy agreed and à lasting friendship was formed.

Betty did well for the pair winning races throughout the area against local favorites. Generous to a fault, Matt and his new partner spent most of their winnings buying drinks for the losers or acting as "Robin Hoods" when the occasion arose. It was at Cortez the pair ran into Tom McCarty for a joyous reunion between Matt and Tom.

The three got up a race against an Indian pony in the Ute Mountains. Betty ran true to form and the happy winners began loading the wagon full of blankets they had won in addition to the Indian race horse itself. An Indian objected and Tom used a quirt on him. Once again Matt's quick thinking saved him and his partners. The Indians had no desire to face the outlaw's Winchester.

The group high-tailed for Tom's cabin and awaited the attack they felt sure would follow. They weren't disappointed. The next morning the Indians arrived demanding their horse back. An Indian turned his rifle on McCarty who shot the brave from the saddle. That brought a permanent end to the Indian affair.

Since Betty's reputation had spread rapidly the group couldn't get any more races for her and were faced with time on their hands. It was only to be expected their thoughts would turn to easy money.

According to local history McCarty, Warner, Cassidy, and friends had previously given train robbery a try and found it to be harder than it looked. On the night of November 3, 1887, a

Denver & Rio Grande train had been stopped about five miles out of Grand Junction, Colorado.

After a pile of rocks on the track brought the train to a standstill one of the outlaws mounted the engine and ordered the engineer out of the cab. A pair covered the express car while two more ordered mail clerk Grubb to open up. He complied and the robbers found nothing of value for their efforts.

Express messenger Williams was something else. He met the robbers with a shotgun but after stalling decided to go along with the situation. When he refused to open the safe one of the gang threatened to kill him but was called off by another.

Frustrated, the would-be bandits cleared the track and sent the train on its way.

On March 30, 1889, the First National Bank of Denver lost $21,000 to a man with a bottle of liquid. The story is told in a variety of ways but it seems relatively certain the man with the bottle was Tom McCarty.

One story says Tom demanded to see bank president, David Moffat. He showed Moffat the bottle of "nitroglycerin" and was given the money in exchange for not blowing the bank into small pieces. The robber walked out of the bank, handed the money to an accomplice, and both disappeared. Matt Warner was said to have been Tom's accomplice.

A second version of the same story has Moffat writing Tom a check in the amount of $23,000 and personally carrying it to a teller where he cashed it for Tom. Cash in hand Tom departed without thanking the banker for his contribution.

Pearl Baker relates the story as Tom told it to Gene Grimes. According to this version the bank had refused to cash a check for Tom. Determined to get even he dressed as a minister, rented a room upstairs next to the bank, and took a pint flask of water into the bank. There he showed it to a teller and threatened to blow the bank to kingdom come unless the teller gave him all the money in the cage.

The teller complied, Tom ducked into the rented room, changed, and was on the street by the time the alarm was given. He helped hunt the "thief" and talked face to face with the teller.

With experiences such as this back of them it was little wonder the gang decided to rob a bank. And what bank offered better possibilities than the San Miguel National Bank at Telluride, Colorado.

David H. Moffat

Denver Public Library Western Collection

THE TELLURIDE BANK ROBBERY— BUTCH CASSIDY COMES OF AGE

As in the case of the First National nitro hold-up in Denver there exist several versions of what actually took place in Telluride, Colorado, on that June Monday in 1889.

It seems that Warner and Cassidy had worked for rancher H.B. Adsit for a spell during that spring of 1889 breaking broncos for the rancher. They left his ranch, located south of Telluride, for a "trip to Utah." The next time Adsit saw the pair was on Keystone Hill two weeks later. At the time they were mounted on a pair of four year old horses Adsit had recently given them and running hard.

When the rancher hailed his hands one of them yelled in reply, "No time to talk. Adios."

Cassidy was hatless which struck Adsit as odd. The puzzled stockman rode on followed by a pair of his trained collies and a mile out of Telluride met the sheriff and his posse. It seemed Warner and Cassidy had taken part in the liberation of funds from the San Miguel National Bank. In leaving Cassidy had fired at the feet of the cashier startling Cassidy's horse into an impromptu rodeo during which Cassidy's hat went one way and the outlaw another.

Adsit joined the posse but led it slowly in pursuit of his errant ranchhands. He had seen both Warner and Cassidy demonstrate their skill with firearms and had no desire to participate in a more personal demonstration of their ability. At the head of the West Dolores River the group found wrappers where stolen currency had been unwrapped and evidently divided.

The following day the posse reached the point at which the robbers had switched horses and Sheriff J.A. Beattie recovered the dapple brown Cassidy had ridden the previous day. The posse assumed the outlaws were by then well on their way to Brown's Hole and safety.

Other residents later recalled seeing Cassidy practice with one of McCarty's race horses. He trained the horse to stand perfectly still while he raced toward it and jumped into the saddle. Instantly the horse broke into a gallop which Cassidy held it to

for a mile. The horse was then halted and the entire procedure repeated. Miners laughed at the crazy cowboy and paid no further attention until their bank's resources were suddenly depleted. Then they recalled Cassidy's training program and allowed as it wasn't so crazy after all.

There is little question concerning the care with which the hold-up was planned. Relays of fresh horses were set up to insure a speedy get-away. Dan Parker, younger brother of Cassidy, and Kid Madden from Utah were in charge of the horse changes. One version of the getaway story has Madden rolling boulders down the mountainside toward the oncoming posse while the outlaws hurriedly changed to fresh horses.

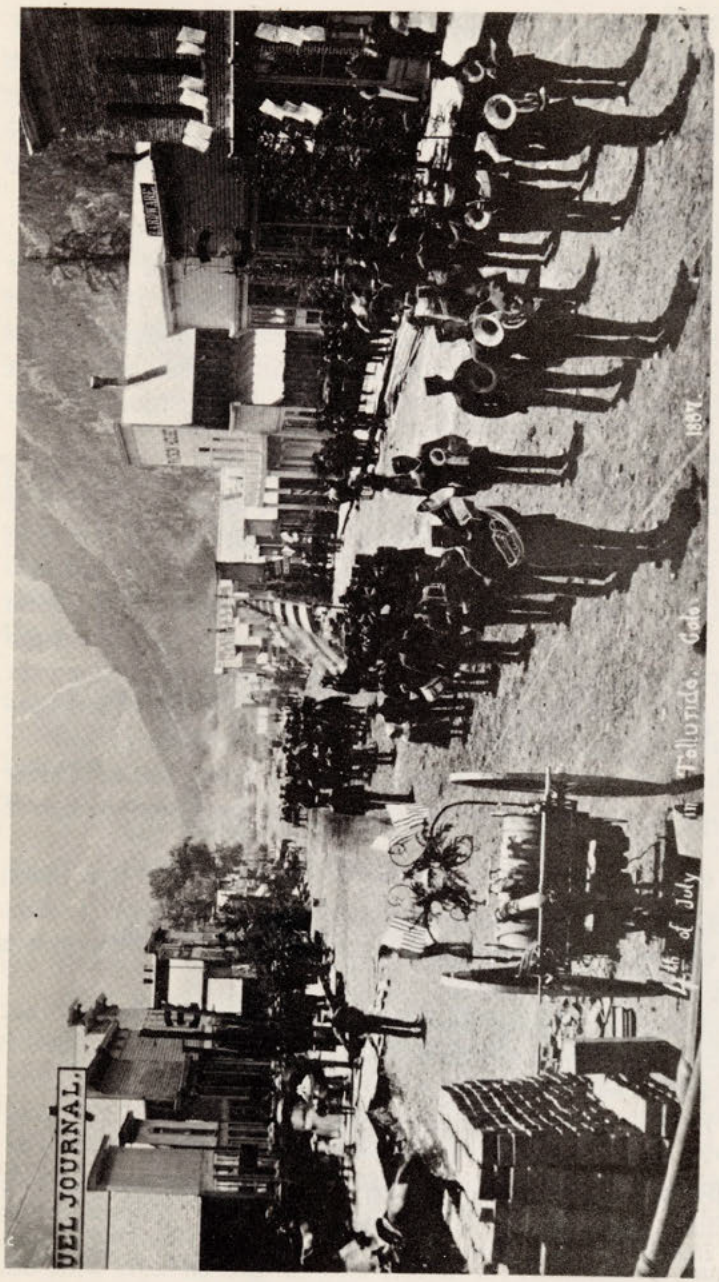
But back to the hold-up. When the day of the big robbery arrived Warner, Cassidy, and McCarty rode through the streets of Telluride about noon dressed in their finest. As Warner recounted in his memoirs the best way to hold up a place was dressed in your finest. Townspeople accepted a duded-up cowpoke as girl hunting and paid no further attention.

When the outlaws reached the bank Tom stood guard outside while the younger men went inside. There they met a teller named Hyde and county clerk Charles Painter. The teller was easily pursuaded to fill a sack with money while Cassidy cleaned the vault. The outlaws mounted and rode hard out of town.

The amount of their haul is generally accepted at $10,500 though McCarty later claimed they got $21,000, Warner wrote each of the three got $10,000, and Cassidy set the figure at $22,580.

Whatever the amount the trio fled before the posse which followed. One account has an over-eager posse member spurring ahead of his fellows and suddenly finding himself entirely too close to the outlaws for comfort and safety. The brave man is said to have taken that opportunity to answer a call of nature and from then on stayed with the group.

Another teller has rancher Adsit getting too far in advance of the posse and meeting Tom who had lain in wait back of a convenient rock. Tom is supposed to have relieved the gentleman of his pearl-handled six-shooter and threatened him with death



Fourth of July, Telluride, Colorado, 1887
State Historical Society of Colorado

should he get too close again. In view of Adsit's own account of the robbery it seems unlikely this could be so. Adsit admitted leading the pursuit slowly and even halting for half an hour at one point before following slowly. When the posse members were informed that Warner and Cassidy had been seen at Trout Lake and could be caught if the posse would hurry Adsit implied no great hurrying was done by the worthies in pursuit.

McCarty himself said one of their horses played out about five miles out of town. At that point a rancher with a fine team happened by and was "pursuaded" to trade his best horse for the tiring mount. Remounted, the outlaws continued their wild flight with the posse almost within rifle range during much of the ride.

Warner said the trio covered thirty-five miles in two and a half hours of wild riding toward the Mancos Mountains. The one thing certain about the ride is that when pursuit got too close at one point Matt roped an Indian pony which was so unfortunate as to be near at the moment. The wily outlaw tied a bush to the horse's tail and set the pony loose at a gallop toward the oncoming posse. The noise of the pony crashing through the timber and the dust raised by the brush completely demoralized the posse and gave the three time to make good their escape.

The fleeing outlaws reached Taylor's ferry, bribed Taylor into silence, and were soon out of reach of the Colorado sheriff and his posse.

It was during the extended flight which followed that Butch Cassidy got his famous nickname according to Warner. It seems the group had a needle gun with a terrific recoil. The weapon was nicknamed "butch."

Cassidy was standing on a rock at the edge of a shallow lake in eastern Utah with the weapon in question. Sensing a golden opportunity Matt challenged Cassidy to hit a rock in the lake. Cassidy accepted the dare, was knocked backwards into the muddy water by the recoil, and carried the name Butch ever after.

Other writers attribute the name Butch to the time Cassidy worked as a butcher in Wyoming. This is just another of the many instances when "you pays your money and you takes your choice."

But back to the tale. Eventually the outlaws ended their ride at Robbers' Roost instead of Brown's Hole. Butch slipped out and rode to Greenriver for supplies where he was recognized by an old Circleville acquaintance. Butch beat it back to camp but was followed by Sheriff Fares and his deputies.

The upshot of the affair was the good sheriff, a tall thin man, was sent back to town minus his trousers and the three outlaws made tracks for Lander, Wyoming, and the promise of something more exciting than playing poker in the midst of the dry wastes of Robbers' Roost.

An interesting footnote to the Telluride job was that on the following July fifth a train was held up near Dolores, Colorado. Some fishermen who witnessed the hold-up were robbed along with the train's passengers. Several cowpokes who were branding calves nearby were greeted cordially by the bandits, one of whom rode away wearing a new Stetson he had picked up in the affair.

If this group of robbers was McCarty and friends, as was believed by many, they were most certainly the busiest trio in the business.

Ten days following the Telluride robbery Cassidy sent a letter to his former boss, rancher Adsit. It read:

> Dear Harry: I understand the Sheriff of San Miguel County is riding the dapple brown colt you gave me. I want to tell you Mr. Sheriff that this horse packed me one hundred and ten miles in ten hours across that broken country and declared a dividend of $22,580.00 and this will be your order for the horse. Please send him over to me at Moab, Utah, at the first opportunity.

The good sheriff declined to surrender the horse which he kept to pay his "expenses of the chase." Adsit noted a bit sourly he paid his own expenses.

A PARTING OF THE WAYS AND NEW ALLIANCES

The group rode toward Lander traveling at night for safety. Before reaching their destination Butch took his leave. He felt it unsafe to attempt to spend their gains so soon. It is also likely he suspected Matt's temper and Tom's drinking would lead to trouble. Whatever the deciding factor, Butch rode toward a friend's ranch and Matt and Tom continued on to Lander.

Hardly had they reached a saloon and had their drinks poured when a cowpuncher told them a posse had just come into town following a pair of riders. Once again the pair left town a short jump in advance of the law. This time their departure was noted by the posse's pair of bloodhounds. McCarty and Warner finally shot the hounds in desperation and high-tailed for Star Valley on the Wyoming-Idaho border.

Luck was with the pair. Heavy snow closed the passes behind them leaving them safe for the winter.

The bandits bought a cabin outside the town of Afton, Wyoming, and posing as Montana cattlemen Tom Smith and Matt Willard, they prepared to spend the winter. It was a hard winter and in spite of early elk kills many of the residents were soon suffering. Foremost among the settlers' difficulties was the refusal of the area's lone storekeeper, a skinflint named Burton, to extend credit.

This gave Tom and Matt the sort of opening they needed for community acceptance. At gun-point the storekeeper was ordered to allow the needy of the community to help themselves to his bounteous supplies. When the folks' larders were comfortably full the outlaws paid the angry Burton $1,150 or exactly half the price of his merchandise. Matt noted the man was suddenly much happier and suspected Burton still made a handsome profit on his goods even at half price.

Tom and Matt were quickly accepted into the little Mormon community following that escapade and both proceeded to enjoy the winter. Matt went so far as to set up a small bar where he served drinks to most of Afton's male population. Back of the bar was a large denomination bill taken either at Denver or Tel-

luride but virtually worthless due to its ten thousand dollar price tag.

Their winter's enjoyment was considerably enhanced by Rose (Rosa) Morgan and her friend Sary (Sarah) Lemberg. Matt married Rose and Tom, whose previous wife had died, married Sary in a flying trip to Montpelier, Idaho. Instead of honeymooning immediately, the two couples returned to Afton for a time. Tom and Sary stayed at the Lemberg ranch and Matt and Rose found lodging with her mother and step-father, the Romels.

Tom and Matt met daily at their cabin to care for their horses and share the noon meal. It was during one of their noon get-togethers that they heard the rattle of a buckboard approaching their small cabin. Through the partly opened door they saw two men armed with rifles approaching.

While Tom covered him from a window with his Winchester, Matt strolled into the yard and at once recognized Montpelier marshal Joe Jones and his deputy. Staying calm Matt invited the two in for a bite to eat. Jones flashed his star and said he had papers to serve. Matt replied he was pretty busy around the place and couldn't leave at the moment. Jones allowed Matt could take time and Tom brought the conversation to an immediate halt by poking his rifle barrel through the window.

Jones lashed his horses into a run and raced toward Afton. The outlaws followed at full gallop having no desire to let the marshal and deputy get away while still armed. The town's citizens were treated to the sight of the fleeing lawmen hotly pursued by the two "cattlemen" as they raced through the small town.

On the other side of town Matt and Tom overhauled the fleeing buckboard and disarmed the officers. With instruction to drive on and not turn back the lawmen resumed their journey toward Montpelier at a slower pace and the outlaws returned to Afton making plans to leave the following day on their belated "honeymoon."

Camping out and traveling part of the time by night the two couples made their way to Jackson Hole where they fished and hunted before moving north through Yellowstone and even-

tually to Butte, Montana. They renovated an abandoned cabin outside of Butte and daily rode into town where the men lavished their young wives with the town's offerings.

With all outgo and no income the proceeds of their previous jobs dwindled rapidly. It was soon obvious the pair would have to have some income. With this in mind they invented a tale of mines in British Columbia which needed inspection, gave the girls a hundred dollars apiece, and sent them home in the wagon with Sary riding rifle guard.

After giving the girls two days in which to clear the area Matt and Tom held up a Butte gambling hall. Their work netted a mere $1800—nothing compared with Telluride. They had intended to hide out at Big Hole, Montana, but the furor following their robbery caused them to decide to ride to Bill McCarty's ranch near Baker, Oregon. They left Big Hole with five horses but arrived at Baker with only three which were exhausted. The other two had been ridden to death on the trail.

They found Bill, who was five years junior to Tom, broke and desperate. He and Fred, his seventeen year old son, were on the verge of losing everything due to lack of finances. It took little or no urging for Bill to enter into a partnership with his brother and Warner. Thus it was the Invincible Three came into being.

Bill planned their first job, a combination store and bank in the near-by placer camp of Sparta, Oregon. Since Bill was known in the area the trio made masks of red bandana handkerchiefs and false horsehair whiskers. Thus disguised they rode into Sparta just prior to the store's eleven p.m. closing time.

At best the robbery and events following could only be called a farce. The actual hold-up gained cash and nuggets without difficulty. The problem came when Bill spied the store's boot display. As though he had not a care in the world Bill proceeded to try on boots hunting for a perfect fit. Midway a customer entered the store but before he could bolt was clubbed down by a flying boot. Tom and Matt started to leave and Bill followed carrying one boot and wearing one.

It wasn't until the gang halted several miles out of town that Bill made the discovery which delighted his partners.

"Hell's fire!" he hollers. "I left with the wrong boot. I got two left boots. One's old and the other is new."

Since the nugget's weren't safe to sell Bill hid them in his chicken coop. The final act to the comedy called the Sparta hold-up came several weeks later when Bill discovered the cache of nuggets empty. The answer came shortly when Fred appeared in a fancy new outfit.

Bill's son had discovered the nuggets, taken them to Boise, Idaho, where he sold them for six hundred dollars and went on a buying spree.

Instead of taking their anger out on Fred the men were delighted. He had the makings of a man after their own hearts.

THE INVINCIBLE THREE PROVE INVINCIBLE, OR NEARLY SO

Lonesome for the company of his wife, Matt wrote Rose and persuaded Tom to send word to Sary. Matt's ever faithful Rose soon appeared in Oregon but Sary declined to come. A year or so later when Tom was in Wyoming seeking Butch he passed through Star Valley and spent the time happily with his wife. When he left, however, Sary remained behind.

The Invincible Three now settled down to serious work. Rose kept house for the three who had dropped all pretense of being anything other than robbers. They successfully pulled numerous hold-ups in the area. So successful were they that part of the country became too hot for the outlaws. They pulled stakes and moved to the Big Bend country in Washington where they paid $700 for a ranch they named the 7 U ranch. There, under new names, they became respectable cattlemen. Matt is still remembered as Ras Lewis in the Spokane area.

After establishing themselves as cattlemen the trio decided to tackle Forepaugh's Circus when it stopped in Moscow, Idaho. Leaving Rose behind the Invincible Three crossed into Idaho where they spent the better part of a week building and disguising an escape trail through heavy timber.

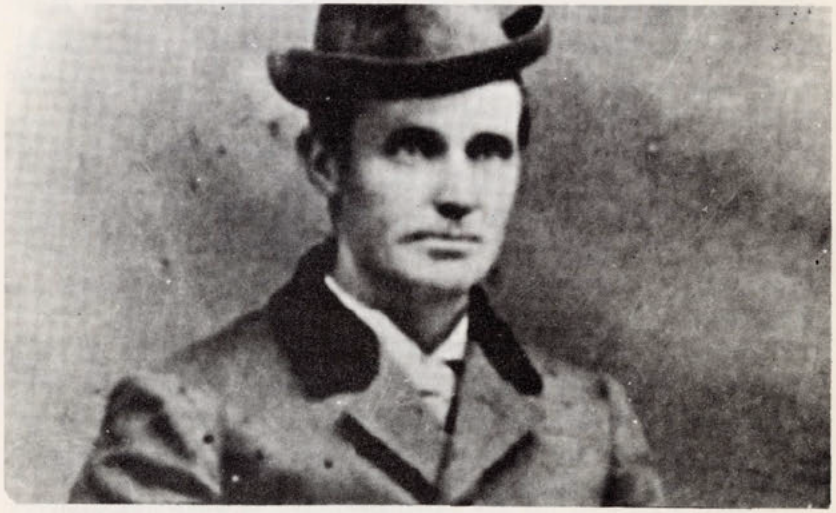
All might have gone according to plan save for Tom's interest in fishing. On the day prior to the scheduled robbery the three were riding toward Moscow when Tom stopped to talk to

a fisherman. Soon all three were fishing and before the others could stop him Tom was bragging to the fisherman, a fellow who gave his name as Sam Hildreth, about their exploits as bandits.

Sam returned the favor with bragging of his own and was invited into the group. Once in town Sam simply vanished and the three began to worry. For fear of a slip-up they decided to strike half an hour early. Even so they were met with a well prepared ambush. It was only the press of the crowd near the ticket wagon which prevented shooting and the massacre of the three outlaws.

Riding hard they picked up their spare horses and made good their escape ahead of the posse. All seemed well or as well as can be expected with a posse in pursuit when two of their horses threw a shoe each. Figuring they had sufficient lead the three halted in a stand of timber and Bill went to work setting a shoe and whistling as he worked.

When Tom and Matt heard the approach of half a dozen deputies they slipped off to the side and covered the men with rifles.



Tom McCarty

Denver Public Library Western Collection

"Keep moving," Tom ordered the men who gave no argument but obeyed unquestioningly.

Bill's first knowledge of company was when he looked up to see the six men riding toward him. In Matt's words, "It choked his whistle off so quick it sounded like a dying pup." Bill kept on working and even got his whistle back but almost lost his aplomb when the posse ignored him and kept on riding.

And once again Mattt and the McCartys were in on a race to a ferry. This time it was the ferry at Lewiston, Idaho, where they crossed the Snake River and once again took the ferryman along with them a way to hinder pursuit.

While waiting for the countryside to calm down they planned the Enterprise, Oregon, robbery which netted a nice profit and left the town's citizens with a lasting memory of the Invincible Three.

The robbery began well save that Matt and Bill failed to see the teller slide a newspaper across a stack of $6000 in currency. They settled for nine thousand or so and were feeling good when Tom fired a shot in the street. This speeded his partners' hearts considerably as they rushed from the bank carrying their sacks of money.

Tom was facing a growing crowd and threatening to shoot again. His first warning shot had been at the feet of a group of men who failed to heed his command to halt.

Matt's troubles began when he mounted the partly broken bronc he was riding that day out of stubbornness. While his partners raced down the street Matt and his bronc put on a rodeo for the assembled citizens. The high point in the performance came when the bronc took Matt for a tour of the local blacksmith shop. Bill and Tom had just returned to locate the missing member of the Three when Matt and bronc emerged from the blacksmith shop. Their escape was anticlimatic when compared to Matt's impromptu rodeo.

Back on the 7 U Rose complained of being lonely. In a burst of good will Matt sent for her half-sister, Sary Morgan. Though this seemed an apt solution to the immediate problem it resulted in Matt's downfall at a later date.

Several small jobs followed without complications and the bandits continued to accumulate gold. Matt kept his treasure buried in an old can on the property. When it was later dug up by Matt's lawyer it was found to contain $41,000. Tom and Bill each had a like share though the location of each man's cache was his own secret.

Their only major setback of the period came following the hold-up at Baker, Oregon. That affair ended with them hiding for several days in a haystack while the posse surrounded the area and hunted unsuccessfully for the illusive outlaws.

Word that Butch Cassidy was in the Star Valley area brought an end to their Oregon raids for a time as Matt and Tom rode in search of their old buddy.

A CATTLE WAR, THE ROSLYN BANK JOB, AND MATT'S CAPTURE

When the outlaws were reunited Butch was full of news of the infamous Johnson County Cattle War in northeastern Wyoming. The large cattle owners of the area had declared war on the rustlers and seemed to be winning. Naturally McCarty and Warner were indignant.

A war council was held and the decision made that the best way to hurt cattle owners was to rustle their stock. With this in mind the three rode toward Belle Fourche in South Dakota. They had gathered fifty head or so when Butch sighted approaching trouble. Instantly the outlaws bolted. In the interest of traveling light they had left their rifles behind and were armed with only six-guns. They were no match for their rifle-bearing opponents.

The chase lasted the remainder of the day and ended along the Wind River. The outlaws scattered to make pursuit more difficult and the pack followed Matt. He saved himself by plunging into the swollen river and trusting his faithful horse to carry him to safety and freedom.

Though safe Matt was so far from his friends he had little hope of finding them again so headed for home. The following day he was riding alone and disconsolate when a bearded

gunman ordered him to throw up his hands. Thus Matt met the notorious Bill Rose who killed for the sake of a few dollars and the love of killing.

A partnership was formed and the pair pulled their biggest job when they relieved a cattle buyer of $30,000 cash he was carrying. The outcry caused so much activity on the part of lawmen the pair found it impossible to escape from Wyoming for a time.

Deciding to make the best of the situation Warner and Rose set out on a crime spree which kept the lawmen busy. On more than one occasion posses were held up and robbed more as a prank than a necessity.

When the bandits stopped a Union Pacific train they bungled the job completely. They used dynamite in an attempt to open the safe. Their unskilled use of the explosive resulted in their blowing the safe through the floor of the car and onto the tracks where it remained unopened. Frustrated, they rode off leaving Union Pacific to deal with the recalcitrant safe.

Finally tiring of Wyoming the pair made good their escape disguised as father and daughter. Matt admitted that those who looked at him immediately turned their heads rather than stare at the homeliest woman in the West. The only time the disguise failed was when their wagon bogged down and several helpful cowpokes hitched on to help pull. Matt, seeing the helpful men didn't know how to go about the job, began to bellow at them. Following that indiscretion Warner and Rose traveled as quickly as possible into Oregon where they parted leaving Matt free to rejoin the McCartys.

Both Bill and Tom welcomed Matt and at once plans were made to get back into "business." Rose was delighted at her husband's return but her half sister was disappointed. Sary had hoped to leave Oregon with Rose and saw Matt's return as the end of her chances.

The Invincible Three pulled a number of quick jobs and their golden horde grew. Some month's after Matt's return his wife announced she was pregnant. Matt decided to pull one more big job and retire from the outlaw life. With this end in mind the Three planned the Roslyn, Washington, hold-up in September, 1892. They hoped to net a hundred thousand dollars.

Promising his wife he was through, Matt and the McCartys rode off supposedly to look for some cattle. Instead they rode to Roslyn where they expected a mine payroll to be in the bank.

Once again the actual robbery of the Ben Snipes & Co. Bank was going smoothly until Tom shot a man in the stomach who refused to stand still outside the bank. With a posse hot on their trail the outlaws fled on yet another chase. When the pursuit got too close the band split and Matt led their followers toward the Columbia River.

The river was at flood and a terrifying thing indeed. Filled with whirlpools and undercurrents it was judged impossible to cross. But cross it Matt and his horse did with the posse following them along the bank and firing at them when opportunity offered.

Once on the far side Matt was safe as none of the posse had any desire to attempt the crossing Matt had just completed. After a two hours rest Matt waved his bandana at the unhappy men across the swollen river and started the long ride home with his share of the loot in his money belt. It was two weeks later that his daughter Hayda was born.

Some time later Matt sent his wife's half-sister back to Salt Lake City confident she would never reveal his outlaw past. On the first of April, 1893, a week following Sary's departure, five cattlemen rode up to Matt's place and within minutes proved to be lawmen. Matt was taken after a violent struggle and moved as quickly as possible by special train to jail at Ellensburg, Washington.

The attraction of the $20,000 reward for information on the Roslyn bank hold-up had proved too much for Sary to resist. She had told all to the Salt Lake City, Utah, police.

During the three months following Matt learned more about the law than he cared to know or had dreamed of learning. George McCarty, though entirely innocent of any wrong doing, shared Matt's cell during most of the period.

They saw Sheriff McNeil and his deputy, a man named Douglas, attempt to cut the other three captors out of their share of the reward for the capture of Matt, or Ras Lewis as he was then called. For refusing to aid the pair Matt existed on starvation rations much of the time he spent in the Ellensburg jail.

Rose was refused visiting privileges for a time and eventually left Oregon when all seemed hopeless.

A fellow prisoner finally talked the pair into letting him contact a lawyer for them. They agreed and were soon visited by legal counsel. The first step in gaining their freedom, they learned, was to supply the lawyer with money. With great misgivings Matt drew the attorney a map showing the location of his treasure trove. The lawyer promised to return to Matt all which wasn't used in conducting his defense.

The wheels of justice turn slowly Matt and George discovered, even when greased by $41,000 in outlaw gold. In desperation the pair had a friend smuggle tools and six-guns to them and broke out of jail just prior to their scheduled trial.

In the melee which followed their escape George and a citizen were both shot, though neither critically. Matt saved the day when he stood off the armed crowd and told them of his mistreatment. The pair then surrendered and were carted back to jail but their treatment immediately improved. Even in 1893 public opinion had an effect on public officials.

The actual trial that July of 1893 was anticlimatic. Sary Morgan was present to give testimony but the case never reached that point. The case was dismissed for "lack of evidence" indicating Matt's stolen gold had been spent in the proper places.

Matt and George were immediately rearrested for the jailbreak the previous day. That trial too was a farce. No one came forward to admit seeing Matt shoot the citizen and no one seemed able to identify Matt and George as the men who had escaped. Dismissal came quickly.

When Matt's lawyer explained the cost of freedom came to $41,000 Matt felt he had long been in the wrong business. With rare generosity the attorney gave Matt $500 to see him on his way.

George McCarty, the innocent bystander, returned to his famly and Matt Warner traded the 7 U for an outfit and made his way back to Diamond Mountain to start life over as a cattle rancher.

The three McCartys, Tom, Bill, and Fred, had previously left

Oregon after their near capture by Sheriff Conde of Baker, Oregon. Conde, anxious to make a name for himself, had foolishly attempted their single-handed capture. As had many others before him, the good lawman found himself at the business end of Tom's Winchester with no place to go but away—far away from the McCarty bunch.

THE END OF THE McCARTY BAND AT DELTA, COLORADO

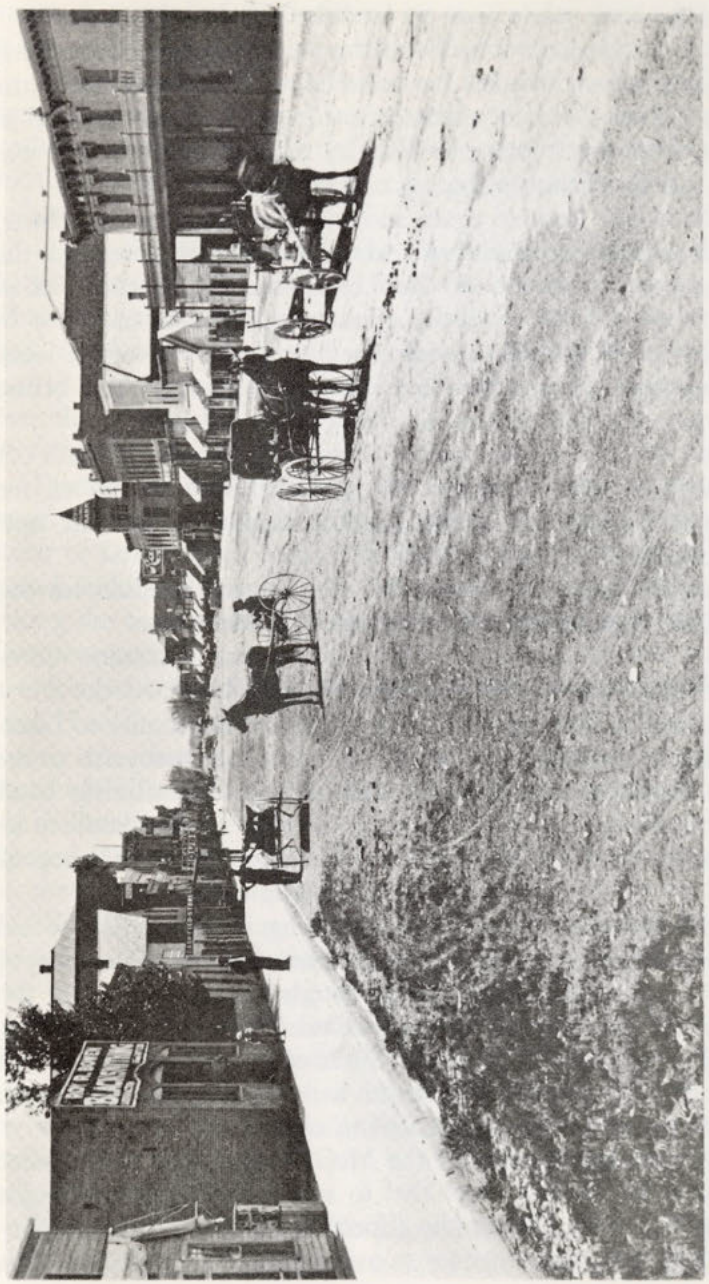
On Wednesday, September 6, 1893, a month and a half after Matt's trial, the McCartys rode into the town of Delta, Colorado. Tom and Bill registered as brothers James G. and Clarence Bradley of San Miguel. For Bill and his son the Delta hold-up was to be their last. For Tom it was the end of an era.

The group sized up the town and the Farmers and Merchants Bank with care. They ate a big noon-day meal at "Bricktop's" on Main Street and an evening meal and breakfast at Central house. Witnesses recalled seeing the trio in the Steve Bailey Saloon across from the bank. The three men were seen as well purchasing a pair of new shoes and a bottle of whiskey.

On the morning of September 7, moments before the robbery, H.H. Smith saw one of the group, probably Tom, drinking from a bottle or flask. Tom then got their horses from an alley and moved out astride his mount and leading his partners' horses. Bill and Fred jaywalked across Main Street to the bank and their destiny. It was now 10:15 in the morning.

Business went on as usual. Across from the bank W. Ray Simpson, junior member of W.G. Simpson & Son was in the family hardware store. Twelve year old Ben Laycock was on the porch of his father's photo shop bathing prints. Both Simpson and young Laycock were to share in the end of the McCarty gang.

Inside the bank cashier A.T. Blachley and assistant cashier H.H. Wolbert were at their windows. W.R. Robertson was in his law office in a lean-to at the rear of the bank. Bill and Fred interrupted the mid-morning calm when they entered the front



Delta, Colorado c. 1900

State Historical Society of Colorado

door of the bank while Tom covered the lawyer at his desk.

Once inside the bank one of the pair, probably Fred, scaled the railing which divided the main part of the bank from the counting room. Wolbert reached for his gun and was ordered to leave it alone. Forty year old Blachley shouted in alarm and was sworn at and ordered to shut up or have his head blown off.

The cashier shouted again and was shot twice for his efforts; the bullets entering beneath his left jaw and exiting through the top of the unfortunate man's head. Fred and Bill quickly stuffed between seven hundred and a thousand dollars in currency in their shirts and crashed through the door at the rear of the bank into Robertson's law office herding the assistant cashier before them.

The lawyer was still gazing down the barrel of Tom's .45 and made no attempt to halt the getaway. The trio bolted for their horses when one of the band commanded, "Get on your horses quick, boys, for God's sake."

The McCartys fled down the alley toward freedom leaving behind the dead cashier who was father of seven sons.

Fate seemed against the McCartys on that Thursday morning. W. Ray Simpson on hearing the shots suspected the worst and grabbed a .44 Sharps repeating rifle and ammunition. Loading as he ran the hardware dealer covered a hundred yards to the corner of Third and Main in time to sight the fleeing band emerging from an alley. Throwing the rifle to his shoulder he shot Bill in the back of the head. The bullet tore off the top of the outlaw's head and his hat with the single shot.

Fred hesitated despite Tom's warning in an attempt to aid his fallen father. Simpson's next shot struck Fred at the base of the head ending his life instantly though his body stayed in the saddle until his horse turned on Second Street. A third shot hit Tom's horse in a hind leg above the hoof but the gallant animal carried its rider to safety despite the hail of bullets the marksman Simpson directed toward the fleeing outlaw.

Tom reached the rest of the McCarty horses at the edge of town, changed mounts, and fled to safety leaving behind eight horses and a mule. Despite the efforts of Sheriff Girardet, the intrepid Simpson, and other posse members, Tom made good his

escape. A reward of $250 offered by the county and a like sum by the bank did little to bring about Tom's capture.

The bodies of Bill and Fred were removed to the Gale Brothers Undertaking Parlors where young Ben Laycock and his brother took their pictures the following day. Laycock later told Pearl Baker of his experience in taking the pictures of the fallen outlaws.

Gale, who was also a lumber and furniture dealer, helped the boys stand Fred's stiffened body up for the picture taking. When it came to Bill they had a problem. Bill's body was yet limp. They solved the problem by using boards from the lumberyard to prop him up. His hat was placed atop his torn head to cover the missing top of his head, the shutter snapped, and Bill's body toppled over.

During the days following the affair assumed overtones of comedy. Sheriff Conde of Baker, Oregon, and ex-chief of police Farley of Denver both hurried to Delta to identify the fallen outlaws. Conde was hunting the Oregon outlaws and Farley was seeking the bandit who had relieved D.H. Moffat of $21,000 four years previously.

Newspapers of the day reported the older man who fell was Tom. His photo was rushed to Moffat who could of course not identify the man. A Utah relative of the McCartys eventually identified Bill and Fred. That unfortunate pair was buried in one box in Potter's field, exhumed Sunday and photographed, then reburied. The same day a second disinterment followed before the pair was again laid to rest in their box of pine.

Sheriff Girardet was reported following Tom across the Uncompahgre Plateau for a time, but the pursuit proved futile and Tom made good his escape to the Blue Mountains.

In the fall of 1896 Tom sent word he was going to kill Simpson. Simpson in return sent Tom a small card in which ten bullet holes had been placed from a distance of 225 feet by Simpson's new Winchester. The Salt Lake *Herald* carried the description in January, 1897, and surmised quite correctly that Tom would leave Simpson alone.

Tom's end is unknown. He trapped in Wyoming and is said to have killed Mike Flynn, a Brown's Hole rustler, for $500. He

Denver Public Library Western Collection

Bill McCarty

State Historical Society of Colorado

Fred McCarty

was arrested in the Black Hills for horse stealing but escaped. The winter of 1895-96 found him along the Canadian border in the "cattle business."

Matt Warner thought Tom died in a gun fight in the Bitter Root area of Montana. Pearl Baker suspected Tom lived out his final years with his son Lew in California as there was an old fellow around the place who had no name but knew a lot about Colorado. Wilson Rockwell felt Tom went back to Oregon where he settled down and raised a family.

Whatever Tom's ultimate fate, the famed McCarty gang was gone forever due to one magazine of rifle bullets in Delta, Colorado.

Several historians in writing of the Delta affair have assumed incorrectly that Tom killed Blachley. Since Tom almost without exception remained on guard such an error seems impossible until one reads the newspapers of the day. Despite identification, photos, and exhumation, it was believed for at least a week that Tom had fallen. Since the man with the horses escaped, and this was thought to have been Bill, then Tom possibly was responsible for a widow and seven fatherless sons. When the reports are read with the knowledge that Tom escaped it becomes obvious that either his brother or nephew fired the fatal shots. Fred's youth and inexperience seem to make him the logical candidate for the dubious honor of firing the shots which ended the banker's life and indirectly the lives of Bill and Fred.

MATT GOES TO PRISON AND REFORMS

Matt hadn't been long at his Diamond Mountain ranch before old friends began to drop in for a visit and a hand of poker. Among his company were Butch Cassidy and Elza Lay. Matt admitted being on the verge of joining them when he heard his wife and daughter were in Boise, Idaho.

His father-in-law sent Matt's whereabouts to Rose and she and her daughter rejoined Matt for what was to be the last time. A year or so after their glad reunion Rose developed cancer in one knee. She lost the leg and remained in Vernal, Utah, where she could receive better care than Matt could provide at his wil-

derness ranch.

Matt spent as much time as possible around Vernal which led to his undoing. He and Bill Wall, a gambler, were approached by mining promoter Henry C. Coleman. Coleman was having trouble with three men who dogged his every step in hopes of finding his claim and taking it away from him. He wanted Warner and Wall to move his equipment and protect it from the three; Dave Milton, Ike Staunton, and Dick Staunton.

The money looked good to the retired outlaw and his pal and they accepted the job. When the pair rode toward the camp they were met by a hail of lead from a well-prepared ambush. Matt's horse went down but the outlaw acted instinctively and jumped clear.

Warner's bullets hit Milton three times in the shoulder which took that individual out of the fight and took the fight completely out of Milton.

Matt and Wall took cover behind a fifteen inch aspen which provided "mighty poor cover for two men."

The Stauntons concentrated their fire at the tree which quickly showed signs of giving up the battle. Firing from the hip with his Marlin rifle Warner got Dick Staunton above the hips, paralyzing him.

Seconds later Matt swung the hip high rifle and shot Ike in the bridge of the nose and thigh and the battle was over. Matt had fired seven shots and found his mark with six.

While Matt cared for the wounded men Bill Wall went to Vernel for aid and returned the next day with a wagon. Despite the outlaw's best efforts Dick Staunton died the following day and Milton a few days later. Ike lived but as a cripple and Coleman, Wall, and Warner were charged with murder.

Thus began a second legal episode in Matt's life. He was being tried for his past, not the deed he had committed. There was no legal question concerning his killing of the two who awaited him in ambush. Matt killed in self defense. Despite this he was tried and found guilty at the conclusion of the tragi-comic chain of events.

Mob violence seemed probable and Butch Cassidy, Elza Lay, Bob Meeks, and other outlaw friends rallied to protect their

Utah State Historical Society

Heber M. Wells, Governor

friend. Sheriff John Pope and four deputies moved Warner and Wall to Ogden, Utah, under cover of darkness. Warner made the eighty mile ride over the mountains to the rail head with his ankles tied tightly beneath his mount's belly and his handcuffed hands tied to the saddle horn.

After three months in the Ogden jail without funds or counsel Butch came to his pal's rescue in a novel way. He engineered the Montpelier bank robbery in order to secure funds to pay for Matt's defense. According to the Salt Lake *Herald* of Wednesday, September 9, 1896, the $7000 thus obtained went to provide the services of D.V. Preston of Rock Springs and those of Judge Powers, D.N. Straup, and F.L. Luther of Uintah county.

For a time it appeared that Butch might attempt to liberate Matt by force but dropped the plan at Warner's bidding. Despite his legal aid Warner was found guilty of Staunton's murder as was Bill Wall. Coleman who engineered the entire affair was freed.

Matt spent September 21, 1896, through January 21, 1900, in prison. During that time his son was born and Rose died. Matt attended her funeral in handcuffs.

When released from prison Matt was immediately arrested for trial for the killing of Dave Milton though he had previously been promised this would not occur. The direct and immediate intervention of Utah's governor, Heber M. Wells, prevented this miscarriage of justice and Warner went free. At the same time the charitable governor gave Warner amnesty for his previous offenses.

Matt, at thirty-six, was given the opportunity to begin his life anew. This opportunity he took and honored. During the following thirty-eight years he remarried and fathered three children, was elected justice of the peace, served as a deputy sheriff, night policeman, and upheld the law in general. At the time of his death, December 21, 1938, he was a respected and honored member of his community.

Citizens of Price, Utah, made him welcome in their community and howled at his lawman activities. When Matt was given the job of collecting back taxes from chronic tax dodgers he filled the county coffers without force or threat. Who wanted to risk the wrath of the one-time badman and gun slinger!

Murray E. King relates that at the age of seventy-three Matt was acting as a night policeman in Price when he was told to pick up a reputed bad man who had come back to Price despite police instruction.

"I want you," Matt told the man.

The tough guy objected and leveled a gun at Matt.

Matt's bullet knocked the man's gun from his hand and threw him backwards onto his back.

When Matt gathered him onto his feet the man accompanied the aged gunman docilely.

Matt's opponent later explained that he had his own gun in his hand and ready but never did know where Matt's gun came from.

The abused tough guy complained that "Dey got $6000 for shootin' Dillinger, but ah gets six months for tryin' to shoot Matt Warner."

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